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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,829	09/23/2003	Yuichi Abe	112857-438	4984
29175	7590	01/25/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/668,829

Applicant(s)

ABE ET AL.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10-12 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-12 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 4, 5, 6, 8, 10, 11,12, 16,17 and 18 are rejected under 35

U.S.C. 102(e) as being anticipated by Ogura et al. (U.S. Patent 6,671,650).

Regarding claim 1:

Ogura discloses an information processing system comprising: a first information processor; and a second information processor (fig. 2, unit 10), wherein the first information processor measures a spatial position of an object so as to output a measured value (Col. 5, Lines 40-54), and wherein the second information processor, processes the measured value, which has been output from the first information processor and indicates the position of the object in a measurement space (Col. 5, Lines 40-54, fig. 2, unit 6), and further processes a real-space value, which corresponds to the measured value and indicates the position of the object in a real space (Col. 5, Lines 40-54, fig. 2, unit 6), computes correspondence between the measurement space and the real space based on the measured value and the real-space value (Col. 5, Lines 40-54, fig. 2, unit 6), and corrects an error of the measured value based on the computed

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correspondence between the measurement space and the real space (Col. 6-7, Lines 66-15, fig. 5, Col. 5, Lines 40-54), the error resulting from the ambient environment of the first information processor (Col. 6-7, Lines 66-15, fig. 5, Col. 5, Lines 40-54).

Regarding claim 2:

Ogura discloses an information processing method performed by an information processing system comprising a first information processor (fig. 2, unit 10) and a second information processor (fig. 2, unit 14, 16, 20), wherein the first information processor measures a spatial position of an object so to output a measured value (Col. 5, Lines 40-54), and wherein the second information processor, processes the measured value, which has been output from the first information processor and indicates the position of the object in a measurement space, and processes a real-space value, which corresponds to the measured value and indicates the position of the object in a real space (Col. 5, Lines 40-54), computes correspondence between the measurement space and the real space based on the measured value and the real-space value (Col. 5, Lines 40-54), and corrects an error of the measured value based on the computed correspondence between the measurement space and the real space, the error resulting from the ambient environment of the first information processor (Col. 7, Lines 5-15).

Regarding claim 3:

Ogura discloses an information processor comprising: measured-value input means for inputting a measured value indicating a spatial position of an object,

the measured value being measured by and output from a first 3D-position measuring device (Col. 2-3, Lines 65-54); real-space-value input means for inputting a real-space value which corresponds to the measured value input by the measured-value input means and which indicates the position of the object in a real space (Col. 2-3, Lines 65-54); correspondence computing means for computing correspondence between the measurement space and the real space based on the measured value input by the measured-value input means and the real-space value input by the real-space-value input means (Col. 2-3, Lines 65-54); and correcting means for correcting an error of the measured value input by the measured-value input means based on the correspondence between the measurement space and the real space computed by the correspondence computing means, the error resulting from the ambient environment of the first 3D-position measuring device (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54).

Regarding claim 17:

Ogura discloses an information processing method performed by an information processor, which corrects a measured value indicating a spatial position of an object, the measured value being measured by and output from a 3D-position measuring device, the method comprising: a measured-value input step of inputting the measured value which has been output from the 3D-position measuring device and which indicates the position of the object in a measurement space (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54); a real-space-value input step of inputting a real-space value which corresponds to the

measured value input in the measured-value input step and which indicates the position of the object in a real space (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54); a correspondence computing step of computing correspondence between the measurement space and the real space based on the measured value input in the measured-value input step and the real-space value input in the real-space-value input step (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54); and a correcting step of correcting an error of the measured value input in the measured-value input step based on the correspondence between the measurement space and the real space computed in the correspondence computing step, the error resulting from the ambient environment of the 3D-position measuring device (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54).

Regarding claim 18:

Ogura discloses a program measured value which indicates a spatial position of an object, the program comprising: a correspondence computing step of computing correspondence between a measurement space and a real space based on the measured value which has been measured by the 3D-position measuring device (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54) and which indicates the position of the object in the measurement space and on a real-space value which corresponds to the measured value and which indicates the position of the object in the real space (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54); and a correcting step of correcting an error of the measured value measured by the 3D-position measuring device based on the correspondence between the

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measurement space and the real space computed in the correspondence computing step, the error resulting from the ambient environment of the 3D-position measuring device (Col. 2-3, Lines 65-54, Col. 5, Lines 40-54, Col. 7, Lines 5-15).

Regarding claim 5, Ogura discloses the calculation of the position in real-space value (fig. 3, unit 4, Col. 2-3, Lines 65-54); Regarding claim 8, Ogura discloses mechanical 3d-position device (fig. 3, unit 4); Regarding claim 10, Ogura discloses selected measure value and real space value (fig. 3, unit 4, Col. 2-3, Lines 65-54); Regarding claims 11, 12, Ogura discloses plurality of space value measuring (fig. 3, unit 4, Col. 2-3, Lines 65-54); Regarding claim 16, Ogura discloses output information notifying the user (Col. 9, Lines 40-47); Regarding claim 4, Ogura discloses magnetic 3-d position device (Col. 1, Lines 9-14), Regarding claim 6, Ogura discloses optical 3d position device (Col. 1, Lines 9-14).

### ***Allowable Subject Matter***

2. Claims 19-23 are allowed.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 19, 20 and 21, Please See office action dated 10-20-2004 for statement of reasons for allowance.

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Claims 22-23 are allowed due to their dependency on claim 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

4. Applicant's arguments filed 12/20/2004 have been fully considered but they are not persuasive.

A. Applicant argues in the lengthy arguments that the prior art does not show the 'correction of an error of a measured value based on a computed correspondence between a measurement space and a real space wherein the error results from the ambient environment' as discloses on specification p1, lines 12-15. Ogura discloses 'correction of an error of a measured value based on a computed correspondence between a measurement space and a real space wherein the error results from the ambient environment' in Col. 2-3, Lines 65-54, Col. 6-7, Lines 66-15, fig. 5, Col. 5, Lines 40-54.

The examiner reminds to the applicants that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims



during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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